

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

#### Notification

1-44(1)/76-SPL

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to Group 'C' and Group 'D' posts in the Office of the Controller of Weights and Measures under the Government of Goa, Daman and Diu.

1. **Short title.**—These rules may be called Government of Goa, Daman and Diu, Office of the Controller of Weights and Measures Group 'C' and Group 'D' (non-Ministerial, non-Gazetted) posts Recruitment Rules, 1976.

2. **Application.**—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.**—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment to the

said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment unless the Government, after having been satisfied that there are special grounds for doing so exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

6. These rules are issued in supersession of the earlier existing recruitment rules for the posts.

*T. Kipgen*  
Chief Secretary

Panaji, 20th August, 1976.

**SCHEDULE**

Name of post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Manual Assistant Assistant of Weights and Measures	5	Group 'D'	Rs. 196-3-220-EB-232	N.A.	30 years (Relaxable for Govt. servants)	<i>Essential:</i> VIII Std. of a High School or equivalent qualification preferably in English.  <i>Desirable:</i> 1) S.S.C.E. or equivalent. 2) Knowledge of local languages.	N.A.	Two years	By direct recruitment.	N. A.	N.A.	As required under the Rules.
2. Laboratory Assistant	3	Group 'C' (non-ministerial non-Gazetted)	Rs. 260-8-300-EB-8-340-10-380-EB-10-430	Selection	— do —	<i>Essential:</i> S.S.C.E. or equivalent qualifications.  <i>Desirable:</i> 1) Experience in working of Weights and Measures. 2) Knowledge of local languages.	N.A.	— do —	50% by promotion failing which by direct recruitment and 50% by direct recruitment.	<i>Promotion:</i> Manual Assistant in Weights and Measures with 5 years in the grade.	Group 'C' D.P.C.	— do —
3. Junior Inspector of Weights and Measures	3	— do —	Rs. 330-10-380-EB-12-500-EB-15-560	— do —	— do —	<i>Essential:</i> Intermediate / Senior Cambridge / Higher Secondary Certificate or equivalent qualifications with Physics and Chemistry as subjects.  <i>Desirable:</i> Knowledge of local languages.	As indicated in column 11	— do —	— do —	<i>Promotion:</i> Laboratory Assistant possessing S. S.C.E. or equivalent qualifications with at least 3 years in the grade.	— do —	— do —
4. Senior Inspector of Weights and Measures	2	— do —	Rs. 425-15-500-EB-15-560-20-640-EB-20-700-25-750	— do —	— do —	<i>Essential:</i> A Degree in Science or equivalent preferably with Physics and Chemistry as subjects of study.  <i>Desirable:</i> Knowledge of local languages.	N.A.	— do —	By promotion failing which by direct recruitment.	<i>Promotion:</i> Junior Inspector of Weights and Measures with 3 years service in the grade.	— do —	— do —

## Home Department (General)

## Notification

HD-G-44-220/72

In pursuance of sub-section (3) of section 1 of the Goa, Daman and Diu Habitual Offenders Act, 1976 (Act No. 16 of 1976) the Government of Goa, Daman and Diu hereby appoints the 15th day of September, 1976 as the date on which the provisions of the said Act shall come into force in the Union territory of Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 8th September, 1976.

(c) Waiting charges ..... Re. 0-10 for every 4 minutes.

(d) Luggage charges ..... Not exceeding ten paise for every article weighing upto 10 kgs.

This supersedes clause D of the Government Notification No. HD(TA-Tpt)/8-3/74 dated 7-9-1974, published in the Official Gazette Series I, No. 24 dated 12-9-1974.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 30th August, 1976.

## Home Department (Transport and Accommodation)

## Notification

HD(TA-Tpt)/11-55/74

Whereas a draft Notification regarding fixing of fares for autorickshaws plying in the Union territory of Goa, Daman and Diu was published as required by sub-section (1) of section 43 of the Motor Vehicles Act, 1939 (4 of 1939), at page 527 of the Official Gazette, No. 46, Series I, dated 12-2-1976 under the Notification No. HD(TA-Tpt)/11-55/74 dated 11-2-1976 of the Home Department, Government of Goa, Daman and Diu, inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of publication of the Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 12th February, 1976;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Government of Goa, Daman and Diu;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 43 of the Motor Vehicles Act, 1939 (4 of 1939), as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in this behalf regarding fixing of fares for contract carriages operating in the Union territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby directs the State Transport Authority, Panaji, that the maximum fares chargeable by autorickshaws in the Union territory of Goa, Daman and Diu shall be as mentioned below:—

(a) For the first kilometre ... Re. 1-00

(b) For the subsequent distance per 200 metres ... Re. 0-10

## Notification

HD. 21-66/73 (T&amp;A)

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965 is hereby pre-published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

## DRAFT AMENDMENT

In exercise of the powers conferred by clause (z) of sub-section (2) of section 68 of the Motor Vehicles Act, 1939 (4 of 1939), as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Thirty fifth Amendment) Rules, 1976.

(2) They shall come into force at once.

2. *Amendment of rule 4.9.*—In rule 4.9 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, (hereinafter called the "principal rules") after sub-rule (3) the following sub-rule shall be inserted, namely:—

"(4) Every contract carriage other than taxi and autorickshaw shall maintain a list of

passengers travelling in the vehicle in the Form indicated in the Fourth Schedule in respect of each trip and such list shall be produced before the checking officer on his demand".

3. *Amendment to the Fourth Schedule.*— In Fourth Schedule to the principal rules after Form P. Co. P., the following Form shall be inserted, namely:—

FORM LOP

[Rule 4.9(4)]

**List of Passengers**

Sr. No.	Name of the passenger	Father's/ Husband's name	Age	Address
1	2	3	4	5

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 31st August, 1976.

**Notification**

HD (TA-Tpt)/8-34/74

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974 is hereby pre-published as required by sub-section (1) of section 24 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (8 of 1974), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

**DRAFT AMENDMENT**

In exercise of the powers conferred by clause (f) of sub-section (2) of section 24 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (8 of 1974), and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu hereby makes the following rules so as to further amend

the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974 namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles Tax (Third Amendment) Rules, 1976.

(2) They shall come into force at once.

2. *Amendment of rule 22.*— In the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, in sub-rule (1) of rule 22 after clause (XI), the following shall be inserted, namely:—

"(XII) Motor Vehicles owned by such charitable, cultural, welfare or philanthropic institutions, as may be notified by the Government—whole".

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 31st August, 1976.

**Rural Development Department**

**Directorate of Civil Supplies and Price Control**

**Notification**

DCS/S-3-1/PEL/76

In exercise of the powers conferred by clause 8 and 9 of the Essential Articles Price (Display and Control) Order, 1968, I, M. P. Tyagi, Director of Civil Supplies and Price Control, Panaji hereby makes the following Order so as to amend the Notification No. DCS/PEL-1/74 dated 26-9-1974 regarding sale of kerosene in Goa District, namely:—

1. The restriction imposed vide clause 1 of said Order on the sale of kerosene on ration card/permit issued by Directorate of Civil Supplies and Price Control is removed with immediate effect.

2. Clause 2 of the Notification dated 26-9-1974 shall be amended so as to — read as under.

"The Kerosene Dealers shall supply kerosene to the consumers as per their requirements provided it is meant for illumination or cooking purposes and shall issue to every customer a cash memo indicating therein the name of customer, the quantity sold, the date when sold and the price charged."

M. P. Tyagi, Director.

Panaji, 24th August, 1976.

**Law and Judiciary Department**

**Notification**

LD/1894/76

The following Central Bill which was recently passed by the Parliament and assented to by the

President of India on 11-2-76 and published in the Gazette of India Part II, Section 1 dated 12-2-1976 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 11th May, 1976.

The Parliamentary Proceedings (Protection of Publication)  
Repeal Act, 1976

AN  
ACT

to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976.

(2) It shall be deemed to have come into force on the 8th day of December, 1975.

2. *Repeal of Act 24 of 1956 and saving.*—The Parliamentary Proceedings (Protection of Publication) Act, 1956, shall stand repealed:

Provided that such repeal shall not affect any proceedings, civil or criminal (whether pending immediately before the commencement of this Act or instituted or taken after such commencement) in respect of—

(a) any publication referred to in sub-section (1) of section 3 of the said Act made before such commencement; or

(b) any report or matter broadcast before such commencement, by the means referred to in section 4 of the said Act,

and accordingly any such proceedings shall be disposed of as if the said Act had continued in force and this Act had not been passed.

3. *Repeal.*—The Parliamentary Proceedings (Protection of Publication) Repeal Ordinance, 1975, is hereby repealed. 25 of 1975.

Notification

LD/2473/76

The following notifications received from the Government of India, Ministry of Labour New Delhi are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 19th June, 1976.

MINISTRY OF LABOUR

Notification

New Delhi, the 11th March 1976

G. S. R. 119(E).—In exercise of the powers conferred by section 13 of the Equal Remuneration Act,

1976 (25 of 1976) and in supersession of Equal Remuneration Rules, 1975, the Central Government hereby makes the following rules, namely:—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) These rules may be called the Equal Remuneration Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) "Act" means the Equal Remuneration Act, 1976 (25 of 1976);

(b) "Authority" means an authority appointed by the appropriate Government under sub-section (1) of section 7;

(c) "Form" means a form appended to these rules;

(d) "section" means a section of the Act;

(e) "registered Trade Union" means a Trade Union registered under the Trade Unions Act, 1926 (16 of 1926).

CHAPTER II

Complaints and claims under the Act

3. *Complaints regarding contravention of the Act.*—(1) Every complaint under clause (a) of sub-section (1) of section 7 shall be made in triplicate, in Form 'A' to the Authority.

(2) A single complaint may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and the complaint relates to the same contravention.

(3) A complaint may be made by the worker himself or herself or by any legal practitioner, or by any official of a registered Trade Union, authorised in writing to appear and act on his or her behalf or by any Inspector appointed under section 9 or by any other person acting with the permission of the Authority.

4. *Claim regarding non-payment of wages etc.*—(1) Every claim under clause (b) of sub-section (1) of section 7 shall be made by petition in triplicate, in Form 'B' to the Authority.

(2) A single petition may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and their claims are of the same nature.

(3) A claim may be made by the worker himself or herself or by any legal practitioner, or by any official of a registered Trade Union, authorised in writing to appear and act on his or her behalf or by any Inspector appointed under section 9 or by any other person acting with the permission of the Authority.

5. *Authorisation.*—The authorisation referred to in sub-rule (3) of rule 3 or sub-rule (3) of rule 4

shall be in Form "C" which shall be presented to the Authority to whom the complaint or the claim, as the case may be, is made alongwith such complaint or claim and shall form part of the record.

### CHAPTER III

#### Registers to be maintained

6. *Registers to be maintained by the employer.* — Every employer shall maintain a register in relation to the workers employed by him in Form 'D'.

#### Form A (To be submitted in triplicate)

[See Rule 3(1)]

*Complaint under clause (a) of sub-section (1) of section 7 of the Equal Remuneration Act, 1976 (25 of 1976)*

To

The Authority appointed under sub-section (1) of section 7.  
... (Address)

A ... Complaint(s)  
Full address

*Versus*

B ... Opposite Party  
Full address

The complaint(s) begs/beg to complaint that the opposite party has been guilty of a contravention(s) of the provisions of the Equal Remuneration Act, 1976 (25 of 1976) as shown below: —

(Here set out briefly the particulars showing the manner in which the alleged contravention(s) has/have taken place and the grounds supporting the complaint.)

The complainant(s) accordingly prays/pray that the Authority ... may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint (alongwith its annexures) as required under sub-rule (1) of rule 3 of the Equal Remuneration Rules, 1976 are submitted herewith.

The complainant(s) does/do solemnly declare that the facts stated in this complaint are true to the best of his/her/their knowledge, behalf and information.

Signature(s)/thumb impression(s)  
of the complainant(s)

\*I have been duly authorised in writing by ... [here insert the name of the worker(s)], to appear and act on his/her/their behalf.

Signature of the legal practitioner/official of  
a registered Trade Union duly authorised.

Station

Date

\* Strike out whichever is inapplicable.

#### Form B (To be submitted in triplicate)

[See rule 4(1)]

*Claim under clause (b) of sub-section (1) of section 7 of the Equal Remuneration Act, 1976 (25 of 1976).*

To

The Authority appointed under sub-section (1) of section 7.  
... (Address)

A ... Petitioner(s)  
Full address

*Versus*

B ... Opposite Party  
Full address

The petitioner(s) above named states/state as follows:

- (1) The petitioner(s) was/were/its/are employed from ... to ... as ... (category) in ... (name of the establishment) of Shri/Messrs ... (name of the employer and address).
- (2) The opposite party is the employer within the meaning of clause (c) of section 2 of the Equal Remuneration Act, 1976 (25 of 1976).
- (3) The petitioner(s) was/were/has/have not been paid wages at rates equal to those of workers of the opposite sex for the same work or work of a similar nature for the period from ... to ...
- (4) The petitioner(s) was/were/has/have been paid wages at the rate of ... whereas workers of the opposite sex for the same work or work of a similar nature were paid/have been paid at the rate of ... during the said period.
- (5) The petitioner(s) estimates/estimate the value of relief sought by him/them at Rs. ... [Rupees ... (in words)].
- (6) The petitioner(s), therefore, prays/pray that the Authority may be pleased to decide the claim set out above and pass such order or orders thereon as it may deem fit and proper.
- (7) The petitioner(s) begs/beg leave to amend or add to or make alterations in the petition, if and when necessary, with the permission of the Authority.

The petitioner(s) does/do solemnly declare that the facts stated in this petition are true to the best of his/her/their knowledge, belief and information.

Signature(s)/thumb impression(s)  
of the Petitioner(s).

\*I have been duly authorised in writing by ... [here insert the name of worker(s)] to appear and act on his/her/their behalf.

Signature of the legal practitioner/official of  
a registered Trade Union duly authorised.

Station

Date

\* Strike out whichever is inapplicable.

#### Form C

(See rule 5)

*Form of authority in favour of legal practitioner or any official of a registered Trade Union*

I/we hereby authorise Shri/Shrimati/Kumari\* ... a legal practitioner/an official of ... which is a registered Trade Union to appear and act on my/our behalf, under\* sub-rule (3) of rule 3/sub-rule (3) of rule 4 in respect of the \* complaint/claim against ... (mention name of employer) on account of ... (mention violation of the Act).

Signature(s)/thumb impression(s)  
of the worker(s).

Station

Date

Witness

- (1)
- (2)
- (3)

I accept the authorisation.

Station

\*Legal practitioner

Date

Official of a registered Trade Union.

\* Strike out whichever is inapplicable.

## Form D

Register to be maintained by the employer under rule 6  
of the Equal Remuneration Rules, 1976

Name of the Establishment with full address ...

Total number of workers employed ...

Total number of men workers employed ...

Total number of women workers employed ...

Category of workers	Brief Description of work	No. of men employed	No. of women employed	Rate of remuneration paid	Components of remuneration				Cash value of concessional supply of essential commodities
					Basic wage or salary	Dearness allowance	House Rent allowance	Other allowances	
1	2	3	4	5	6	7	8	9	10

[No. F. P. 11025/51/75 — WC]

T. S. SANKARAN, Jt. Secy.

## GOVERNMENT OF INDIA

(BHARAT SARKAR)

## MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

*Dated New Delhi, the 3rd April, 1976*

## Notification

S. O. — In exercise of the powers conferred by sub-section (3) of Section 1 of the Equal Remuneration Act, 1976 (25 of 1976), the Central Government hereby appoints the 5th day of April, 1976 as the date on which the said Act shall come into force in respect of employments in educational, teaching, training and research institutions.

Sd/-

T. S. SANKARAN

Joint Secretary to the Government of India.

[No. S. 42013/1/76-WC]

*Dated New Delhi, the 22nd April, 1976*

## Notification

S. O. — In exercise of the powers conferred by sub-section (3) of section 1 of the Equal Remuneration Act, 1976 (25 of 1976) the Central Government hereby appoints the 1st day of May 1976 as the date on which the said Act shall come into force in respect of employments in the Employees Provident Fund Organisation, the Coal Mines Provident Fund Organisation and the Employees State Insurance Corporation.

Sd/-

T. S. SANKARAN

Joint Secretary to the Government of India.

[No. S. 42013/3/76-WC]

## Notification

LD/3992/76

The following Notifications received from Government of India, Ministry of Labour New Delhi, are hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 27th August, 1976.

## GOVERNMENT OF INDIA

(BHARAT SARKAR)

## MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

*Dated New Delhi, the 28th July, 1976*

## Notification

S. O. — In exercise of the powers conferred by sub-section (2) of section 1 of the Labour Provident Fund Laws (Amendment) Ordinance, 1976 (9 of 1976), the Central Government hereby appoints the 1st day of August, 1976 as the date on which the said Ordinance shall come into force.

(No. S-35012(2)/76-PF. II(i))

Sd/-

(S. S. SAHASRANAMAN)

Deputy Secretary

*Dated New Delhi, the 28th July, 1976*

## Notification

S. O. — In exercise of the powers conferred by sub-section (2) of section 6C of the Employees' Pro-



vident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby specifies 0.5 per cent of the aggregate of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance (if any) for the time being payable in relation to his employees as the rate of contributions which shall be payable every month by the employer to the Deposit linked Insurance Fund, established under the said Act.

2. This notification shall come into force on the 1st day of August, 1976.

(No. S. 35012(2)/76. PF. II(iv))

Sd/-

(S. S. SAHASRANAMAN)

Deputy Secretary

*Dated New Delhi, the 28th July, 1976*

#### Notification

S. O. — In exercise of the powers conferred by clause (a) of sub-section 4 of section 6C of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government hereby specifies 0.1 per cent of the aggregate of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowances, if any, payable for the time being by the employer in relation to his employees as the further sum payable by the employer every month to the Deposit linked Insurance Fund for meeting the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost of any benefits provided by or under that scheme.

2. This notification shall come into force on the 1st day of August, 1976.

(No. S-35012(2)/76-PF. II(vii))

Sd/-

(S. S. SAHASRANAMAN)

Deputy Secretary

#### Notification

LD/1553/76

The following Order which was issued by the Government of India on 2-8-1976 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 1st September, 1976.

#### GOVERNMENT OF INDIA

#### MINISTRY OF INDUSTRY AND CIVIL SUPPLIES

(Department of Civil Supplies and Co-operation)

*New Delhi, the 2nd August, 1976*

#### Order

S. O. No. 520(E) — In exercise of the powers conferred by sub-rule (2) of rule 114 of the Defence

and Internal Security of India Rules, 1971, the Central Government hereby makes the following Order further to amend the Packaged Commodities (Regulation) Order, 1975, namely: —

1. (1) This Order may be called the Packaged Commodities (Regulation) Amendment Order, 1976.

(2) It shall come into force after a period of one month from the date of its publication in the Official Gazette.

2. In the Package Commodities (Regulation) Order, 1975, —

(i) in paragraph 2, —

(a) in clause (e) the words "to any person other than a dealer" shall be added at the end;

(b) in clause (h), for the words "or dissimilar," the brackets and words "(whether in quantity or size)," shall be substituted;

(c) in clause (l), for the words "whether of identical quantity or not" the words "of identical quantity" shall be substituted;

(d) in clause (m), for the words "so that the quantity of the product", the words "so that the product or the quantity of the product" shall be substituted;

(e) in items (i) of clause (n) after the words "ex-factory price" the words "inclusive of commission payable to wholesalers and retailers and of other charges, including advertising, delivery, packing, forwarding and the like, and" shall be inserted;

(ii) in sub-paragraph (l) of paragraph 3, —

(a) in clause (iii), for the word "pre-packed:", the words "manufactured or pre-packed shall be substituted;

(b) in the first proviso to clause (iii), for the word "pro-packed", the words "manufactured or pre-packed" shall be substituted;

(c) in the first proviso to clause (iii), for item (b), the following shall be substituted, namely —

"(b) any package containing bread and any uncanned package of vegetables, fruits, ice-cream, butter, cheese, fish, meat or the like;"

(d) in the proviso to clause (iv), for item (a) the following shall be substituted namely: —

"(a) any uncanned package of vegetables, fruits, ice-cream, butter, cheese, fish, meat or the like;"

(e) after sub-paragraph (3), the following shall be inserted, namely:

"(3A) it shall be the duty of the manufacturer, or, where the manufacturer is not the packer, of the packer, to ensure that the provisions of sub-paragraph (3) are complied with by the wholesaler."

(f) in the proviso to sub-paragraph (7) of paragraph 3, after the word "weight", the words "or measure" shall be added;

(iii) in sub-paragraph (2) of paragraph 5, the following shall be added at the end, namely: "and also a list indicating the rates at which local



taxes (including Central Sales Tax, if not included in the price indicated on the package) are leviable on the commodities contained in packages sold by him."

(iv) in paragraph 7, —

(a) in sub-paragraph (3) after the words "the total quantity contained in the multi-piece package", the words, "the month and the year in which the commodity was manufactured or pre-packed, name and address of the manufacturer, or where the manufacturer is not the packer, of the packer" shall be inserted;

(b) for sub-paragraph (4) the following shall be substituted, namely:

"(4) Where the dimensions and weight, or combination thereof, of a commodity has or have a relationship to the price of that commodity, the declaration of quantity on the package containing such commodity shall also include a declaration as to such dimension, weight or combination,";

(v) in paragraph 8, —

(a) in sub-paragraph (1), for the figures and words "20 samples at random from each batch of packages," the words "samples at random from each batch of packages in accordance with the provisions of the Third Schedule." shall be substituted;

(b) in sub-paragraph (5) in clause (b) for the words "the error", the words "the error in deficiency" shall be substituted;

(vi) (a) in paragraph 11, after clause (b), the following explanation shall be inserted namely:

"Explanation:

In clauses (a) and (b) of this paragraph, the expression "industry" does not include any workshop, service station or any other place where servicing or repairing of any motor vehicle within the meaning of the Motor Vehicles Act 1939, is undertaken".

(b) clauses (f), for the words "the commodity", the words "the commodity, if sold by weight or measure", shall be substituted;

(vii) after the second Schedule, the following shall be inserted, namely:

### THIRD SCHEDULE

(See sub-paragraph (1) of paragraph 8)

#### Manner of selection of samples of packages

1. Where, for the determination of the net quantity of any commodity contained in a package, it is necessary to open the package, taken by way of sample, and it is not possible to refill such package, such sample shall be selected at random having regards to the total number of packages in the batch. In such a case, the number of packages to be

selected as samples shall be the number specified in column (2) of Table I, corresponding to the entry in column (1) of that Table.

TABLE I

Number in batch					Number of sample
1					2
Less than or equal to 500	...	...	...	...	8
501 to 3200	...	...	...	...	13
More than 3200	...	...	...	...	20

2. Where, for the determination of the net quantity of any commodity contained in a package, it is not necessary to open the package, taken by way of sample, or where it is necessary to open only one or two packages, taken by way of samples for the purpose of determining the tare, such sample shall be selected at random having regard to the total number of packages in the batch. In such a case, the number of packages to be selected as samples shall be the number specified in column (2) of the Table II, corresponding to the entry in column (1) of that Table.

TABLE II

Number in batch					Number of sample
1					2
100 to 150	...	...	...	...	10
151 to 281	...	...	...	...	32
281 to 500	...	...	...	...	50
501 to 1200	...	...	...	...	80
1201 to 3200	...	...	...	...	125
3201 and over	...	...	...	...	200

3. Where, for the determination of the net quantity of any commodity contained in a package, it is necessary to take samples of packages stored by the manufacturer or packer in a warehouse, godown or at any other place, the sample shall be selected at random, from every batch of packages and shall be picked out from the top, bottom, centre, right, left, front, rear etc. of the stocks so that the samples may adequately represent the packages in the batch.

4. Where, for the determination of the net quantity of any commodity contained in a package, it is necessary to take samples from the place where the package is being filled such sample shall be selected from among the packages which have already been filled, or in the alternative, the requisite number of empty containers may be taken over and each of them shall be adequately marked for proper identification and the tare of each container shall be accurately noted and thereafter the marked out containers shall be introduced at random in the packing process so that, after the packages are filled it may be possible to determine whether the packages do contain the net quantity of the commodity as declared on the container.

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(B. N. JAYASIMHA)

Joint Secretary to the Government of India